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12 \*Attorney for Petitioner Tony Hines

13 UNITED STATES DISTRICT COURT  
14 DISTRICT OF NEVADA  
15

16 Tony R. Hines,

17 Petitioner,

18 v.

19 Brian Williams, *et al.*,

20 Respondents.  
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22  
23  
24  
25  
26  
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Case No. 2:19-cv-01465-APG-VCF

**Unopposed motion for extension of  
time to file Response to Motion to  
Dismiss**

**(First Request)**

1 **POINTS AND AUTHORITIES**

2 1. On February 18, 2021, Respondents moved to dismiss Hines's amended  
3 petition on three grounds: (1) it is second or successive; (2) it is untimely; and (3) the  
4 one issue in the petition is procedurally defaulted. ECF No. 27. Under LR 7-2(b),  
5 Hines's response to the motion to dismiss is due March 4, 2021.

6 2. Counsel for Hines requests a first extension of time of 32 days to file the  
7 response to the motion to dismiss to Monday, April 5, 2021. While counsel has begun  
8 working on the response, the complexity of the response as well as counsel's workload  
9 and managerial responsibilities have prevented him from meeting the current  
10 deadline.

11 3. In the past two weeks, counsel has had to prioritize drafting and  
12 reviewing two amended petitions in federal court, three cert. petitions in the United  
13 States Supreme Court, and two Nevada Supreme Court opening briefs. Counsel has  
14 also had to focus on preparing for an upcoming appearance before the Nevada Board  
15 of Pardons in March. Further, complicating counsel's ability to finish the response by  
16 the current deadline has been the numerous administrative and managerial  
17 responsibilities related to his position as Chief of the Non-Capital Habeas Unit.  
18 Primarily, a new attorney started with the unit in February, which has required a  
19 great deal of training and oversight. In addition, counsel has had to actively  
20 participate in developing the office's reopening plan.

21 4. For these reasons, counsel is requesting an additional 32 days to file the  
22 response.

23 5. On March 3, 2021, counsel for respondents, Chief Deputy Attorney  
24 General Heather D. Procter, indicated by email respondents do not oppose this  
25 request with the understanding that the lack of objection is not a waiver or concession of  
26 any kind.  
27

1           6.       This motion is not filed for the purpose of delay, but in the interests of  
2 justice, as well as in the interest of Hines. Counsel for Petitioner respectfully requests  
3 that this Court grant this motion and order Petitioner to file the response to the  
4 motion to dismiss no later than April 5, 2021.

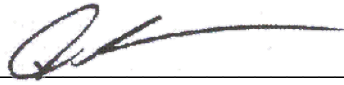
5           Dated March 3, 2021.

6                               Respectfully submitted,

7                               Rene L. Valladares  
8                               Federal Public Defender

9                               /s/ Jonathan M. Kirshbaum  
10                              Jonathan M. Kirshbaum  
11                              Assistant Federal Public Defender

12                             IT IS SO ORDERED:

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14                               
15                             \_\_\_\_\_  
16                             United States District Judge

17                             Dated: March 4, 2021